

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HASMAT ARA,

Plaintiff,

- against -

SAKINA KHAN and KAMRAN KHAN,

Defendants.  
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07-CV-1251  
(J. Ross)  
(J. Orenstein, M.J.)

**ANSWER**

Defendants demand  
trial by jury

Defendants, SAKINA KHAN and KAMRAN KHAN, by their attorneys,  
NICOLINI, PARADISE, FERRETTI & SABELLA, answering the Complaint herein, allege,  
upon information and belief:

**PRELIMINARY STATEMENT**

FIRST: Defendants deny each and every allegation contained in  
paragraphs "1" through "4", inclusive, and each and every part thereof.

**JURISDICTION AND VENUE**

SECOND: Defendants deny having any knowledge or information  
sufficient to form a belief as to the allegations therein contained in paragraphs "5" and  
"6", inclusive, and each and every part thereof.

**PARTIES**

THIRD: Defendants deny each and every allegation contained in  
paragraphs "7", "8", and "11" through "13", inclusive, and each and every part thereof.

FOURTH: Defendants deny each and every allegation contained in  
paragraph "9", and each and every part thereof, except admit that defendant MR. KHAN

resides at 148-60 87th Avenue, 2nd Floor, Jamaica, New York 11435, and is employed at an insurance company.

### **STATEMENT OF FACTS**

#### **Recruitment**

FIFTH: Defendants deny each and every allegation contained in paragraphs "14" through "18", inclusive, and each and every part thereof.

#### **General Work Conditions and Responsibilities**

SIXTH: Defendants deny each and every allegation contained in paragraphs "19" through "21", inclusive, "23" through "36", inclusive, and each and every part thereof.

SEVENTH: Defendants deny each and every allegation contained in paragraph "22", and each and every part thereof, except admit that defendants reside in a three bedroom apartment.

#### **Enforced Isolation and Threats of Legal Coercion**

EIGHTH: Defendants deny each and every allegation contained in paragraphs "37" through "42", inclusive, "44" through "56", inclusive, and each and every part thereof.

NINTH: Defendants deny having any knowledge or information sufficient to form a belief as to the allegations therein contained in paragraph "43", and each and every part thereof.

**Psychological and Physical Abuse**

TENTH: Defendants deny each and every allegation contained in paragraphs "57" through "69", inclusive, and each and every part thereof.

**Escape from Defendants**

ELEVENTH: Defendants deny each and every allegation contained in paragraph "70", and each and every part thereof.

**Minimum Wage, Overtime Premiums and Spread of Hours Pay**

TWELFTH: Defendants deny each and every allegation contained in paragraphs "71" through "76", inclusive, and each and every part thereof.

**FIRST CLAIM FOR RELIEF**

**(Trafficking-Trafficking Victims Protection Act of 2000)**

THIRTEENTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "76" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "77", and each and every part thereof.

FOURTEENTH: Defendants deny each and every allegation contained in paragraphs "78" through "80", inclusive, and each and every part thereof.

**SECOND CLAIM FOR RELIEF**

**(Forced Labor-Trafficking Victims of Protection Act of 2000)**

FIFTEENTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "80" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "81", and each and every part thereof.

SIXTEENTH: Defendants deny each and every allegation contained in paragraphs "82" through "84", inclusive, and each and every part thereof.

**THIRD CLAIM FOR RELIEF**

**(Involuntary Servitude pursuant to the Thirteenth Amendment to the United States Constitution and 18 U.S.C. § 1584)**

SEVENTEENTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "84" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "85", and each and every part thereof.

EIGHTEENTH: Defendants deny each and every allegation contained in paragraphs "86" and "87", inclusive, and each and every part thereof.

**FOURTH CLAIM FOR RELIEF**

**(Federal Minimum Wage-FLSA)**

NINETEENTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "87" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "88", and each and every part thereof.

TWENTIETH: Defendants deny each and every allegation contained in paragraphs "89" through "92", inclusive, and each and every part thereof.

**FIFTH CLAIM FOR RELIEF**

**(New York State Minimum Wage-NY Labor Law)**

TWENTY-FIRST: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "92" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "93", and each and every part thereof.

TWENTY-SECOND: Defendants deny each and every allegation contained in paragraphs "94" through "98", inclusive, and each and every part thereof.

**SIXTH CLAIM FOR RELIEF**

**(New York State Overtime Premiums-NY Labor Law)**

TWENTY-THIRD: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "98" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "99", and each and every part thereof.

TWENTY-FOURTH: Defendants deny each and every allegation contained in paragraphs "100" through "102", inclusive, and each and every part thereof.

**SEVENTH CLAIM FOR RELIEF**

**(Spread of Hours Pay-New York Labor Law)**

TWENTY-FIFTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "102" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "103", and each and every part thereof.

TWENTY-SIXTH: Defendants deny each and every allegation contained in paragraphs "104" through "106", inclusive, and each and every part thereof.

**EIGHTH CLAIM FOR RELIEF**

**(Quantum Meruit)**

TWENTY-SEVENTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "106" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "107", and each and every part thereof.

TWENTY-EIGHTH: Defendants deny each and every allegation contained in paragraphs "108" through "110", inclusive, and each and every part thereof.

**NINTH CLAIM FOR RELIEF**

**(Unjust Enrichment)**

TWENTY-NINTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "110" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "111", and each and every part thereof.

THIRTIETH: Defendants deny each and every allegation contained in paragraphs "112" through "114", inclusive, and each and every part thereof.

**TENTH CLAIM FOR RELIEF**

**(False Imprisonment)**

THIRTY-FIRST: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "114" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "115", and each and every part thereof.

THIRTY-SECOND: Defendants deny each and every allegation contained in paragraphs "116" through "119", inclusive, and each and every part thereof.

**ELEVENTH CLAIM FOR RELIEF**

**(Intentional Infliction of Emotional Distress)**

THIRTY-THIRD: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "119" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "120", and each and every part thereof.

THIRTY-FOURTH: Defendants deny each and every allegation contained in paragraphs "121" and "122", inclusive, and each and every part thereof.

**TWELFTH CLAIM FOR RELIEF**

**(Assault and Battery)**

THIRTY-FIFTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "122" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "123", and each and every part thereof.

THIRTY-SIXTH: Defendants deny each and every allegation contained in paragraphs "124" through "127", inclusive, and each and every part thereof.

**THIRTEENTH CLAIM FOR RELIEF**

**(Conversion)**

THIRTY-SEVENTH: Defendants repeat and reallege each and every denial in answer to paragraphs "1" through "127" of the Complaint as if more particularly hereinafter set forth in answer to paragraph "128", and each and every part thereof.

THIRTY-EIGHTH: Defendants deny each and every allegation contained in paragraphs "129" through "131", inclusive, and each and every part thereof.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

THIRTY-NINTH: Plaintiff's Complaint fails to state a claim upon which relief may be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

FORTIETH: Plaintiff's claims are barred by the applicable statutes of limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

FORTY-FIRST: The Tenth Claim (False Imprisonment), Eleventh Claim (Intentional Infliction of Emotional Distress), and Twelfth Claim (Assault and Battery) of plaintiff's Complaint are each barred by the one year statute of limitations contained in New York State CPLR Section 215.

WHEREFORE, defendants demand judgment dismissing the Complaint and awarding defendants costs and disbursements of this action, including attorneys' fees.

Dated: Mineola, New York  
April 9, 2007

Yours, etc.,

NICOLINI, PARADISE, FERRETTI & SABELLA  
Attorneys for Defendants,  
SAKINA KHAN and KAMRAN KHAN

BY: \_\_\_\_\_  
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- and -

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**INDIVIDUAL VERIFICATION**

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF QUEENS    )

I, SAKINA KHAN, being duly sworn, hereby states:

I am one of the defendants in the action herein; I have read the annexed Answer and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Pursuant to the provisions of 18 USC 1746, I declare under penalty of perjury that the foregoing is true and correct.

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SAKINA KHAN

Sworn to before me this  
\_\_\_\_\_ day of April, 2007

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NOTARY PUBLIC